IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
ADMIRALTY SUIT NO.29 OF 2007

Ocean Diving Centre Limited .. Plaintiffs.
Versus
m.v.ABOUZAR-81 & Anr. .. Defendants.

Ms.V.M.Daver for plaintiffs.
Mr.V.P.Hathi for defendants.
Mr.Jimi John for caveator.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 3rd September, 2007.

P.C.:

1. The Consent Terms, which are signed by the parties and their Advocates are taken on record and marked "X" for identification. The Consent Terms are signed by duly authorised representatives of the parties. They have fully appreciated and understood the implications of the terms. Suit is agreed to be decreed to the extent of Clause 1 of the Consent Terms and rest of the Clauses stipulate marking the decree satisfied upon payment of the sums in the manner set out therein. The consequences, in default, are also provided. So far as the claim of the plaintiffs is concerned, post-dated cheques have been handed over. In such circumstances, it is recorded by parties that all claims under the charter-party dated 10th July, 2006 are amicably settled and resolved. The amounts would be accepted in full and final settlement.

2. In such circumstances, both sides pray for a

decree in terms of the Consent Terms.

3. It is brought to my notice that Chamber Summons No.1445 of 2007 has been filed by the defendants in this Admiralty Suit as there is a Caveat bearing No.10 of 2007 against release of the 1st defendant-vessel. The learned Advocate appearing for the applicants-original defendants submits that the chamber summons has been duly served on the caveator.

4. It is submitted that the vessel should be released.

5. However, the learned Senior Counsel appearing for the Caveator in support states that a copy of the chamber summons has been duly served and the reply affidavits to the same are also filed. Copies thereof have been handed over to the applicants in the chamber summons.

6. Post the chamber summons on Thursday i.e. 6th September, 2007 for hearing and final disposal.

7. Insofar as the consent terms are concerned, both sides i.e. the plaintiffs and the defendants have no objection to an order being made in terms thereof. Hence, there will be an order in terms of the consent terms.

8. However, although an order is passed in terms of the consent terms, the same shall not be considered as a permission for the vessel to sail nor it be considered as a direction releasing the subject vessel from arrest. The warrant of arrest dated 5th June, 2007 is issued by the Court and the Court has ample powers to continue the arrest till such time as it deems fit and proper even after the claims between parties are settled. Since the caveat and chamber summons are pending, it is directed that the vessel shall not be released nor be allowed to sail till further orders of this Court.

(S.C.Dharmadhikari, J.)